said causes for error above assigned and alledged in any wise notwithstanding, and its further considered by the Court here that the said Ann Richard have execution against the said John Dawson, as well for the debt, damages costs and charges aforesaid as adjudged unto him in the said County Court of Talbot as also the sum of Two Dollars eighty eight and one third Cents, adjudged unto the said Ann Richard by the Court here for her Costs and charges which she hath sustained by occasion of the delay of the execution of the Judgment aforesaid by pretence of the prosecution of the said Appeal by him the said John Dawson of and upon the premises as aforesaid prosecuted.

Test James Parrott Clk:

Joshua Masey's Lessee against **Elizabeth Masey** — Be it Remembered that on the second Monday of December Eighteen hundred and eleven, the Chief Justice and associate Justices of Queen Ann's County Court, in pursuance of the Act of Assembly, in such case made and provided transmit to the Court of Appeals here the record and proceedings of a plea which was lately depending before them in the said County Court between John Denn lessee of Joshua Masey, plaintiff, and Elizabeth Masey, defendant, and wherein the said County Court gave Judgment for the said John Denn Lessee as aforesaid against the said Elizabeth Masey, and from which said Judgment the said Elizabeth Masey prayed an Appeal unto the Court of Appeals here, the tenor of which said record and proceedings is in form following, to wit:

"The State of Maryland, to wit: At a County Court of the second judicial district of the State of Maryland begun and held at Centreville in and for Queen Ann's County, on the third Monday of October in the year of our Lord eighteen hundred and eleven and in the thirty sixth year of the Independence of the United States of America. Were Present.

The Honble Richard T. Earle, Esqr Chief Judge. Lewis Dennell Esqr Thomas Worrell Esqr Associate Judges William P. Ricaway, Esqr Sheriff — John Browne Clk:

The following proceedings among other matters and things were duly made and entered that is to say.

Joshua Masey's Lessee against **Wm Elizabeth Masey** — Be it Remembered that heretofore, to wit, on the seventh day of October Anno Domini Eighteen hundred and eight John Denn lessee of Joshua Masey by William Carmichael Esquire his Attorney declared in the County Court here against Richard Ferm in a plea of Trespass and Ejectment with a notice thereto annexed in form following, to wit. Richard Ferm late of Queen Ann's County was attached to answer unto John Denn of a plea wherefore with force and arms &c. at Queen Ann's County aforesaid he entered into all those tracts or parcels of plantable land called Friendship, Masey's part of Friendship corrected, Spry's Chance, Collins Range, and Friendship lying being in Queen Ann's County aforesaid containing seven hundred acres of land with the appurtenances which Joshua Masey had demised to the said John for a term of years which is not yet expired and expelled him from his said Farm and other wrongs to the said John there did to the great damage of the said John and against the peace, Government and dignity of the State of Maryland and so forth. And whereupon the said John by William Carmichael his Attorney complains that the said Joshua Masey heretofore, to wit, on the first day of August eighteen hundred and eight at Queen Ann's County aforesaid had demised to the said John all those tracts or parcels of plantable land called Friendship, Masey's part of Friendship corrected, Spry's Chance, Collins Range and Friendship, lying and being in Queen Ann's County aforesaid containing seven hundred acres of land with the appurtenances to have and to hold the same to the said John and his Assigns from the thirty first day of July then last past for and during and until the full end and term of fifteen years from thence next ensuing to be fully complete and ended — by virtue of which said demise the said John entered into the said tracts or parcels of plantable land with the appurtenances and was possessed thereof, and being so thereof possessed the said Richard to wit on the second day of August in the year eighteen hundred and eight aforesaid with force and arms that is to say, with fences, stakes, thieves at the County aforesaid into the said

tracts or parcels of plantable land with the appurtenances which the said Joshua Masey had demised to the said John in manner aforesaid for the term aforesaid which is not yet expired and expelled the said John from his said farm, and other wrongs to the said John there and then did to the great damage of the said John and against the peace, Government and dignity of the State so forth — Whereupon the said John saith he is injured, and hath sustained damage to the value of One hundred pounds and therefore brings his suit and so forth — Wm Carmichael Atty for Plff.

Sir. I am informed that you are in possession of or claim title to the premises in this Declaration mentioned or some part thereof, and I being sued in this Action as Casual Ejector and having no claim or title to the same premises do advise you to appear in Queen Ann's County Court, to be holden at Centreville, on the third Monday of the present month by some attorney of the said Court, and then and there by the rule of the same Court to cause yourself to be made Defendant in my stead, otherwise I shall suffer Judgment to be entered against me and you will be turned out of possession —

I am your loving friend Richard Ferm — 7th of October 1808.

To Wm Elizabeth Masey, tenant in possession of the premises or some part thereof.

A Copy of which said Declaration and notice was made and sent to the Sheriff of Queen Ann's County aforesaid thereon indorsed to be served upon the Tenant in possession, eight exclusive days at the least before the next Term of the County Court aforesaid — At which said third Monday of October in the year one thousand eight hundred and eight being the day of return of the service of a Copy of the aforegoing Declaration, comes into the Court here the said John Denn lessee as aforesaid by his Attorney aforesaid and the Sheriff of Queen Anne's County aforesaid to wit Philemon C. Blake to whom a Copy of the said Declaration in Ejectment and notice aforesaid was in form aforesaid made and sent certifies to the Court here the service thereof in form following, to wit "I do hereby certify to the honorable the Judges of Queen Ann's County Court that I did on the seventh day of October in the year one thousand eight hundred and eight serve the said Copy on Elizabeth Masey Tenant in possession of the premises mentioned in the Declaration hereunto annexed or some part thereof with a true Copy of the Declaration and notice thereunder Written & at the same time did acquaint the said Elizabeth Masey of the intent & meaning of the said Declaration and notice thereunder Written — so answers Philemon C. Blake Sff. Whereupon the said John Denn lessee as aforesaid by his Attorney aforesaid prays that the said Richard Ferm the defendant, the said Elizabeth Masey, the tenant in possession of the said premises or those under whom she claims to the Declaration aforesaid may appear, and thereupon the said Elizabeth Masey by Richard T. Earle Esqr her Attorney in pursuance of the notice aforesaid comes into Court here, Whereupon it, It is ruled by the Court here with the consent of the said John Denn, lessee as aforesaid by his Attorney aforesaid and the said Elizabeth Masey who claims the title in question by her Attorney aforesaid that the said Elizabeth Masey be admitted defendant in the place of the now defendant Richard Ferm the Casual Ejector, and that she immediately receive a Declaration and plead thereto the General Issue, and at the trial thereon to be had the said Elizabeth Masey shall appear in her proper person or by her Attorney or Counsel, and confess the lease entry and actual ouster and expulsion of so much of the tenements in the declaration of the said John Denn lessee as aforesaid as is in the possession of the said Elizabeth Masey or her tenants or any other person claiming by or under her title, or in default thereof that Judgment be entered against the now defendant Richard Ferm the Casual Ejector, but that prosecution be stayed against her until he makes default in any of the premises and it is further ruled by the Court here with the consent of Counsel that if by reason of such default the said John Denn lessee as aforesaid shall become nonsuit at the trial, the said Elizabeth shall take no advantage thereof, but shall pay to the said John Denn lessee as aforesaid his Costs &c and it is further ruled by the Court here that if upon the trial of the said Issue, a Verdict shall be given for the said Elizabeth, or if the said John Denn lessee as aforesaid shall not prosecute his Declaration upon any other cause than for the not confessing lease entry and ouster as aforesaid then the said Joshua Masey lessor of the aforesaid John Denn shall pay costs &c. and thereupon the aforesaid John Denn lessee as aforesaid by his Attorney aforesaid declares against the said Elizabeth in the plea aforesaid in manner and form following, to wit